

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:19-cr-0124-JMS-TAB
	)	
STEPHEN BANKS,	)	- 01
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On January 7, and February 22, 2021, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on July 10, 2020. Defendant appeared in person with his appointed counsel Gwendolyn Beitz. The government appeared by Lawrence Hilton, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Ross Carothers.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Banks of his rights and provided him with a copy of the petition. Defendant Banks orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Banks admitted violation number 3. [Docket No. 56.] Government orally moved to withdraw the remaining violations 1 and 2, which motion was granted by the Court.
3. The allegation (3) to which Defendant admitted, as fully set forth in the petition, is:

**Violation  
Number**

**Nature of Noncompliance**

- 3            **“You shall not use or possess any controlled substances prohibited by applicable state or federal law, unless authorized to do so by a valid prescription from a licenses medical practitioner.”**

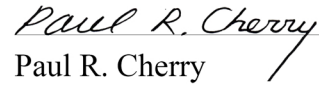
The offender provided a urine sample on June 19, 2020, and stated he had used methamphetamine and marijuana two days earlier. The results were positive for amphetamines and cannabinoids. On July 1, 2020, the probation officer met with Mr. Banks, and he signed an Admission Report which reflected his previously reported drug use.

4.        The parties stipulated that:
- (a)       The highest grade of violation is a Grade B violation.
  - (b)       Defendant’s criminal history category is III.
  - (c)       The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months’ imprisonment.
5.        The parties jointly recommended a sentence of time served with no supervised released to follow.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the condition (3) in the petition, that his supervised release should be revoked, and that he should be sentenced to time served with no supervised release to follow. The Defendant is to remain in custody pending the District Judge’s action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 2/22/2021

  
Paul R. Cherry  
United States Magistrate Judge  
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email generated by the court's ECF system